

UNITED STATES DISTRICT COURT

for

EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Dianna Raquel Jimenez

Docket No. 5:13-CR-131-1-D

Petition for Action on Conditions of Pretrial Release

COMES NOW Debbie W. Starling, probation officer of the court, presenting an official report upon the conduct of defendant, Dianna Raquel Jimenez, who was placed under pretrial release supervision by the Honorable William A. Webb, U.S. Magistrate Judge, sitting in the Court at Raleigh, North Carolina, on the 30th day of July, 2013, under the following conditions:

- Report to the probation office or supervising officer as directed.
- Abide by the following restrictions on personal association, place of abode, or travel: Eastern North Carolina or as approved for employment purposes by the probation officer.
- Refrain from any use of alcohol.
- Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- Submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which are required as a condition of release.
- Participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.
- Participate in the following location monitoring program component and abide by its requirements as the supervising officer instructs:

Curfew: You are restricted to your residence every day as directed by the supervising officer.
- Report as soon as possible to the supervising officer any contact with law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- Adhere to the conditions of the Remote Alcohol Monitoring Program while in the Eastern District of North Carolina.

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RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant was initially arrested in the Middle District of North Carolina on July 15, 2013, and released to pretrial supervision. During installation of Remote Alcohol Monitoring on July 22, 2013, she submitted an alcohol test which yielded a BAC result of .029, and the Middle District of North Carolina was notified. However, since that time, she has tested negative for alcohol and all drug screens have been negative for illegal substances. She continues to be tested for alcohol twice daily, and submits drug screens randomly. She was referred to outpatient substance abuse counseling and completed the program at Integrated Behavioral Health Services on January 3, 2014. Jimenez is a self-employed caterer doing business as Dianna's Catering and Private Affairs. The defendant reports as required and has incurred no new criminal charges. Jimenez remains on state probation supervision for a Driving While License Revoked conviction on January 19, 2012. She failed to pay the monies in the state case as required, and has failed to resolve old traffic offenses in state court (which requires paying fines). However, according to her state probation officer, her failure to pay these monetary obligations is not willful, and she is otherwise compliant with her term of supervision. A violation hearing has been scheduled in state court for June 23, 2014, and it is this officer's understanding that the state court will not move forward with the violation hearing until the federal charge is resolved. Additionally, the defendant has requested permission to travel outside the Eastern District of North Carolina to attend her brother's graduation in Maryland. However, her travel is restricted at this time to the Eastern District of North Carolina. Given her compliance to date, it is respectfully recommended that her conditions of pretrial release be modified by removing the remote alcohol monitoring and curfew conditions. Additionally, it is recommended that her travel restriction be modified to include travel outside the Eastern District of North Carolina with the prior approval of the probation officer.

PRAYING THAT THE COURT WILL ORDER the conditions requiring remote alcohol monitoring and curfew be stricken, and that her travel restriction be modified to allow travel outside the Eastern District of North Carolina with the prior approval of the probation officer.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton

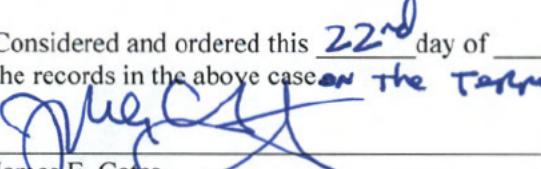
Robert L. Thornton
Supervising U.S. Probation Officer

/s/Debbie W. Starling

Debbie W. Starling
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
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Executed On: May 21, 2014

ORDER OF COURT

Considered and ordered this 22nd day of May, 2014, and ordered filed and made a part of the records in the above case on the terms below.


James E. Gates
U.S. Magistrate Judge

DEFENDANT MAY TRAVEL TO HER BROTHER'S GRADUATION.
AS REQUESTED. OTHER RELIEF REQUESTED IS DENIED PENDING
ARRAIGNMENT. 